

Stephen D. Finestone (125675)
Jennifer C. Hayes (197252)
Kimberly S. Fineman (184433)
Ryan A. Witthans (301432)
FINESTONE HAYES LLP
456 Montgomery Street, 20th Floor
San Francisco, California 94104
Tel. (415) 616-0466
Fax (415) 398-2820
jhayes@fhllawllp.com

Attorneys for Chapter 7 Trustee
A. Kyle Everett

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

In re

BENJA INCORPORATED,

Debtor.

Case No. 20-30819-DM

Chapter 7

**REQUEST FOR ENTRY OF
ORDER BY DEFAULT
APPROVING TRUSTEE'S
MOTION TO APPROVE
COMPROMISE OF
CONTROVERSY (BUERCK
PARTIES)**

The Trustee hereby files his Request for Entry of Order by Default in support of his Motion to Approve Compromise of Controversy with the Buerck Parties (the "Motion"), ECF 103, and in support thereof states as follows:

On January 6, 2022, the Trustee filed the Motion and the supporting Declaration of A. Kyle Everett. ECF 103, 103-1. Also on January 6, 2022, the Trustee filed the Notice and Opportunity for Hearing (the "Notice") relating to the Motion. ECF 104. The Notice was served on creditors on the Court's mailing matrix on January 6, 2022. ECF 105, 106.

The Notice indicated that anyone wishing to object to the proposed stipulation was required to do so by filing and serving a written objection no later than 21 days from the date on

1 which the Notice was served. The last day for filing and serving objections was January 27,
2 2022. The Trustee received no objections, and none were filed in the bankruptcy case. Trustee's
3 counsel did, however, receive one inquiry about the Motion by e-mail from an investor in Benja,
4 who asked if he understood the mathematical calculations in the Motion. Trustee's counsel
5 promptly responded to the investor by e-mail, explaining the Motion and its mathematical
6 calculations. Thereafter, Trustee's counsel did not receive any further communications from the
7 investor.

8 This Request for Entry of Order by Default is supported by the concurrently filed
9 Declaration of Jennifer C. Hayes.

10 Based on the foregoing, the Trustee requests entry of an order approving the Motion
11 and providing as follows:

12 1. The Motion to Approve Compromise of Controversy with the Buerck Parties
13 (the "Motion"), ECF 103, is granted.

14 2. The Settlement Agreement and Release attached as **Exhibit A** to the
15 Declaration of A. Kyle Everett in Support of the Motion, ECF 103-1, is approved.

16 3. Without further Court order, the Trustee is authorized to take those actions that
17 he deems appropriate to implement the relief requested in the Motion and ordered by the Court.

18 4. The Court's order is effective upon entry, and the stay otherwise imposed by
19 Federal Rule of Civil Procedure 62(a) and/or Federal Rule of Bankruptcy Procedure 6004(h)
20 shall not apply.

21
22 Dated January 28, 2022

FINESTONE HAYES LLP

23
24 /s/ Jennifer C. Hayes

25 Jennifer C. Hayes
26 Attorneys for A. Kyle Everett,
27 Chapter 7 Trustee
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